

**EXHIBIT 3**

March 31, 2022

TO: [REDACTED]
Acting Assistant Director Custody Management

FROM: [REDACTED]
Lead Compliance Inspector
The Nakamoto Group, Inc.

SUBJECT: **180 Day Follow-Up/Annual Inspection of the Torrance County Detention Facility**

The Nakamoto Group, Inc. performed a hybrid 180 Day Follow-Up/Annual Inspection for compliance with the ICE Performance-Based National Detention Standards (PBNDS) 2011 of the Torrance County Detention Facility in Estancia, New Mexico during the period of March 29-31, 2022. This is an IGSA facility.

The annual inspection was performed under the guidance of [REDACTED] Lead Compliance Inspector. Team members were:

Subject Matter Field	Team Member
Detainee Rights	[REDACTED]
Security	[REDACTED]
Medical Care	[REDACTED]
Medical Care	[REDACTED]
Safety	[REDACTED]

Type of Inspection

This is a scheduled 180 day follow-up inspection which is performed to determine overall compliance with the ICE PBNDS 2011 for Over 72-hour facilities. The facility received a rating of Does Not Meet Standards during the July 2021 inspection.

Inspection Summary

The Torrance County Detention Facility is currently accredited by:

- The American Correctional Association (ACA) – Yes
- The National Commission on Correctional Health Care (NCCHC) – Yes
- The Joint Commission (TJC) – No
- Prison Rape Elimination Act (PREA) – Yes

Standards Compliance

The following information is a summary of the standards that were reviewed and overall compliance that was determined as a result of the 2021 annual inspection and the 2022 180 day follow-up inspection:



<i>2021 Annual Inspection</i>	
Meets Standards	38
Does Not Meet Standards	1
Repeat Finding	0
Not Applicable	4

<i>2022 Annual Inspection</i>	
Meets Standards	40
Does Not Meet Standards	0
Repeat Finding	0
Not Applicable	3

The inspection team identified six (6) deficient components in the following five (5) standards:

Environmental Health and Safety – 2, one of which is a repeat deficiency
 Staff-Detainee Communication – 1
 Tool Control – 1
 Correspondence and Other Mail – 1
 Detention Files – 1

Facility Snapshot/Description

The Torrance County Detention Center is a medium-security, multi-jurisdictional facility, owned and operated by CoreCivic. The facility is located in Estancia, New Mexico approximately fifty miles southeast of Albuquerque, New Mexico. The facility, which was constructed in [REDACTED] has a rated capacity of [REDACTED] beds. The facility currently houses adult male detainees of all classification levels for ICE and the U.S. Marshals Service and male and female detainees for Torrance County. The total count on the first day of the inspection was [REDACTED] to include [REDACTED] male detainees. ICE [REDACTED]

The facility encompasses a total of sixteen acres within the secure perimeter and an additional 624 acres surrounding the facility. There are two sixteen-foot-high chain link fences with two feet buried, that surround the perimeter, with an additional eight-foot-high interior fence in the recreation areas, and an electric stun fence. There is a triple roll of razor wire at the top of the inner perimeter fence. Central control maintains operational control over all exterior and interior security doors and gates. Camera monitors, which are monitored from central control, provide secondary visual observation to all zones and points of egress. The entire facility is equipped with sprinkler systems and electronically controlled and monitored security and safety systems.

Five housing units are divided into sub-sections for a total of eight separate living areas that are configured into cell and dormitory designs. [REDACTED] of the living areas are further divided into [REDACTED] sub-sections containing either [REDACTED] or [REDACTED] beds each. Two dormitory living areas contain [REDACTED] beds each. Each living area has a common dayroom equipped with fixed table/chair units for detainees to eat their meals, play games, and gather for conversation. Electronic tablets are available for all detainees to send and receive emails, play games, read books, participate in video visits (for a fee), send requests directly to facility staff and ICE/ERO personnel, and file grievances. Tablets also include: LexisNexis, local handbook, posted announcements, bulletins, GettingOut Messaging, music, workout videos, and a variety of additional applications.

Housing unit control centers provide supervision of unit living areas. Roving officers provide personal interaction and wellness checks. Each cell contains direct communication to the unit control center via intercoms. A separate special management unit (SMU) is maintained. There were no ICE detainees housed in the SMU during the inspection.



The facility is equipped with a large gymnasium and two outdoor yard areas. Outdoor recreational activities are available including handball, basketball, and soccer. The gymnasium area is equipped for handball, basketball, and volleyball.

Prior to COVID-19 protocols, the facility offered contact visitation; however, due to COVID-19 all general visitation has been suspended. Each week detainees are provided with 130 minutes of free telephone service to maintain contact with family and friends. The facility is committed to the Phased Return to Social Visitation Plan.

No less than 33 detainees were interviewed by inspectors. Eleven informal interviews were conducted when inspectors visited the housing units. Twenty-two formal interviews were conducted including three exit interviews. There were no substantive complaints regarding recreation, telephone services, availability of ICE officers, availability of facility staff, availability of hygiene items/clothing, and/or conditions of confinement. All detainees confirmed receipt of the local handbook and National Detainee Handbook. The detainees, without exception, stated "facility staff treated them with respect and that they felt safe at the facility". The detainees knew how to file a grievance. None of the detainees had contacted the OIG.

Medical concerns were researched by the Medical SME:

Detainee One complained he had asthma and recent surgery (showed inspector a band-aid on his lower abdomen), and stated he was not receiving proper medical follow-up treatment during his stay at the facility. Review of detainee health record was done and his complaints were not substantiated. It was noted that he did not have an asthma diagnosis; rather he had a shortness of breath diagnosis and he had tested positive for COVID-19 on 02/28/2022. He saw a mid-level provider on 03/22/2022 for the shortness of breath and was prescribed an albuterol inhaler and a chest x-ray was ordered. The test was negative for any upper respiratory conditions. He did not have a recent surgery; rather he had a gallbladder removal surgery several years before coming to the facility. He received a band-aid from someone on his housing unit and placed it over his surgical incision site and claimed "it was bleeding". He was taken to the medical unit and there was no noted drainage on the band-aid. This detainee has had seventeen visits to medical services during March 2022. He was scheduled to see the Nurse Practitioner during day two of the inspection for follow-up on his chest x-ray results.

Detainee Two informed the inspector that he had been experiencing heart palpitations and nausea and he was not receiving care from medical staff other than lab tests and he had not been notified of the results. Review of his medical record confirmed when he complained of heart palpitations, he was assessed by a mid-level provider and an EKG test was done; test was normal. The mid-level provider referred him to a cardiologist off-site for further evaluation and ordered lab tests to include tests for his thyroid condition. The labs were drawn and showed he needed an adjustment to his thyroid medication which was done. When he went out to see the cardiologist, a Holter monitor was applied to assess his heart palpitations. The monitor was sent to the cardiologist for review. The facility is currently awaiting results of the monitoring from the cardiologist. From February 1 through March 30, 2022, the detainee has been seen by the medical department 23 times. His last visit was 03/28/2022 where he complained of heart palpitations again. He was assessed and another EKG was done; test was normal.

Detainee Three told the inspector that he had been experiencing heart palpitations and nausea and that he had not been seen by medical staff. Review of his medical record confirmed he complained of these issues on 03/27/2022 and he was escorted to the medical unit right away. An EKG was done; test was normal. Labs were drawn during the same visit. The lab results were back on 03/30/2022. Detainee was scheduled the same day to discuss lab results.



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LEP detainees gave no indications, nor made any claims, that they were not safe. They further did not complain about any issues with access to services or communication in the housing units. Detention staff were observed on numerous occasions using the language line services to communicate with detainees. During one LEP interview, a language line was utilized as the detainee only spoke Turkish. The detainee stated that the food was “really bad because it’s not something he is used to eating”. He also stated that he has not had any real medical issues but doesn’t feel the 24-hour policy regarding sick call is good. He would not elaborate. The detainee stated that he “receives recreation but not enough”. He stated that he has not filed any grievances and feels staff treat him really good as “they are very good people”. One detainee stated that “he only gets thirty to 45 minutes a day of recreation but in most cases, he refuses to go outside”. Documentation confirmed recreation is offered in accordance with PBNDS 2011 standards.

Another detainee, who was interviewed with the language line, stated “he does not feel culturally safe in prison”. He stated that “he doesn’t like the way they cook the food and only eats the cake”. He stated that “the facility should have a Turkish chef”. The Safety SME confirmed that the portions and caloric content of the meals were within the requirements of the standards. The Safety SME observed meal preparation and plating. According to the Safety SME, meals looked appetizing and plentiful in accordance with the dietician approved menu. The Safety SME sampled the meals and found them to be very palatable. The detainee stated that he gets at least an hour a day recreation and enjoys the outside. He stated that he has not had much to do with the medical department. He stated he has filed no grievances and no other issues. He also stated that the push button on his toilet was not working. The maintenance supervisor responded to the complaint. The toilet worked.

Detainees interviewed had been housed at the facility for time frames ranging from twelve days to four months. All but two of the detainees reported the food at the facility was good or satisfactory. The two detainees who did not like the food were from Turkey and they said “the food was not what they were used to”. All the detainees reported they had access to showers, recreation and telephones. One detainee from Turkey stated he could not call his family in Turkey due to the time difference. The detainee was offered a call when his family was available; he said “never mind I don’t need to call anyway”. All of the detainees reported the facility was clean. Detainees reported they were able to send and receive mail. There were no reported issues of non-working telephones or tablets. Detainees reported they received shoes and clothing upon admission and were able to exchange or get replacements easily. All of the detainees reported they received medical attention upon admission and had no unresolved medical concerns (with the exception of the three detainees listed above). All of the detainees reported they were treated fairly by staff and that staff were attentive to their needs. A detainee from Turkey reported “the drinking water tasted bad”. This was relayed to facility staff who reported the water at the facility is “hard but safe and drinkable”. Documentation confirmed safety of drinking water.

No detainee reported any issues with the OIG telephone service. Only one of the detainees had filed a grievance.

Food service is provided by Trinity Services Group, Inc. All other services are provided by CoreCivic. Detainees are not charged co-pay fees for medical, dental, or mental health services.

Areas of Concern/Significant Observations

The inspection was conducted as a hybrid. Four inspectors conducted the inspection on-site. The other inspector was unable to personally observe practices and procedures within the facility but was able to interview staff and review files.



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Optimal compliance levels were identified in Medical Care - the facility is accredited by ACA and NCCHC; Telephone Access - the housing units are providing telephones at a ratio of one phone for every ten detainees; Recreation - special management unit (SMU) detainees in administrative segregation status are provided outdoor recreation daily for two hours, and SMU detainees in disciplinary segregation status are provided outdoor recreation daily for one hour; Use of Force and Restraints - use of force audiovisual records are retained by the facility for at least one year after litigation or any investigation has concluded or been resolved; and Significant Self-Harm and Suicide Prevention and Intervention - prevention/treatment and therapeutic aftercare for suicidal detainees or detainees at risk for self-harm are within NCCHC standards.

The most recent staffing analysis occurred in February 2022. The previous inspection reported a high number of staff vacancies. Eleven new staff members are currently attending pre-service training. The staffing plan includes 112 detention officers. During the inspection, thirty vacancies were cited. The chief of security confirmed that all essential posts and positions are filled with qualified personnel. The facility was appropriately staffed during the inspection. Review of shift reports for several days in the inspection period indicated all posts were filled with qualified staff. Fifteen detention officers from other facilities are temporarily assigned and overtime of full-time staff is used to keep essential positions filled. Staffing has been an issue for at least nine months, encompassing two inspections and a Technical Assessment Review; yet the facility still has thirty vacancies. Clearly their recruitment and retention efforts are unsatisfactory.

In the Medical Services Department, 31 full-time employee positions (FTE's) are authorized including medical, mental health, and dental personnel. Currently there are twelve vacancies. The facility is utilizing multiple online hiring websites, billboards, job fairs, monetary incentives, and an online recruiter from CoreCivic.

Recommended Rating and Justification

The Lead Compliance Inspector recommends that the facility receive a rating of Meets Standards. The facility complies with the ICE Performance-Based National Detention Standards (PBNDS) 2011 unless unobserved practices and conditions are contrary to what was reported to the inspection team. No standard was found Does Not Meet Standard and three (3) standards were Not Applicable (N/A). All remaining forty (40) standards were found to Meet Standards.

LCI Assurance Statement

The findings of compliance and non-compliance are accurately and completely documented on the G-324 Inspection Form and are supported by documentation in the inspection file. An out brief was conducted with the facility. In addition to the Nakamoto Group Inspection Team, the following participated:

- ICE Officials – [REDACTED]
- Facility staff – [REDACTED]



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██████████ Lead Compliance Inspector

March 31, 2022

Printed Name of LCI

Date